



2000 USE OF FORCE

2010 GENERAL POLICY (Revised: April 13, 2020)

In accordance with the Law Enforcement Code of Ethics and the Tucson Police Department Mission Statement, it is the sworn duty of every officer to safeguard and protect human life. Members shall treat all persons with respect, professionalism, and courtesy. If the use of force becomes necessary, members shall use force proportional to the threat.

It is neither the policy of the department nor the intent of these *General Orders* that officers unnecessarily or unreasonably endanger themselves or others. The force model is to be used as a general guide to using force when necessary.

A member who observes another member using inappropriate, unnecessary, or unreasonable force shall intervene to stop the use of force when there is a reasonable opportunity to do so. A member who witnesses inappropriate, unnecessary, or unreasonable use of force by another member shall report it as soon as practicable to a supervisor.

2020 DEFINITIONS

De-escalation

De-escalation is taking action and/or communicating verbally or non-verbally during a potential force encounter to stabilize the situation and reduce the immediacy of a threat so that more time, options, and resources are available to resolve the situation using the least force necessary. De-escalation is also an effort to reduce or end the use of force after a threat has diminished.

When reasonable, officers will gather information about the incident, assess the risk, assemble resources, attempt to slow momentum, communicate with the subject, and coordinate a response. Officers should use warnings, verbal persuasion, and other tactics as alternatives to higher levels of force. When feasible, an officer may withdraw to a position that is tactically more secure or allows greater distance in order to consider or deploy a greater variety of force options.

Force

Any physical effort by a department member to compel the compliance of an unwilling subject.

Lawful Purpose

A use of force must be for a lawful purpose. Officers may use force in the performance of their duties to:

- Effect a lawful arrest, detention, or search;
- Overcome resistance or prevent escape;
- Prevent the commission of a crime;
- Defend themselves or others;
- Gain compliance with a lawful order; or



- Prevent a person from injuring himself/herself—however, an officer is prohibited from using lethal force against a person who presents only a danger to himself/herself and does not pose an imminent threat of serious bodily injury or death to another person.

Objectively Reasonable

Officers must make split-second decisions regarding the use of force in circumstances that are tense, uncertain, and rapidly evolving. Reasonableness of force is based on the totality of circumstances known by the officer at the time force was used. This is an objective standard to be judged from the perspective of a reasonable officer in the moment rather than with the benefit of hindsight.

There are many components that factor into an objectively reasonable decision to use force, including:

- The purpose of the force (Was it lawful?);
- Efforts to de-escalate the situation;
- The proportionality of the force used to the force encountered;
- The nature and seriousness of the threat encountered;
- Whether the officer's actions unnecessarily or recklessly escalated the situation.

Proportionality

Officers shall balance the totality of the circumstances known to or perceived by the officer at the time with the severity of the offense committed and the subject's level of resistance. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in serious physical injury or death, the greater the level of force that may be proportional, reasonable, and necessary to counter it.

Provocation

Provocation includes conduct that may create or contribute to a need to use force that might not otherwise be necessary. This can include illegal searches, detentions, and entries into residences. It can also include unprofessional exchanges or other acts, intentional or reckless, that provoke the subject or contribute to the need for force. Such conduct must be documented and considered in determining whether the officer unnecessarily or recklessly escalated the situation.

Significant Injury

A significant injury is a physical injury resulting from a use of force that creates a reasonable risk of death or causes serious disfigurement, serious impairment of health, or loss or impairment of any bodily organ or limb. Examples of significant injury include: broken bones, closed head injuries, loss of consciousness, impairment of limbs, and/or any injuries that could result in death or disfigurement. Sutures are not by themselves considered a significant injury, but extensive suturing may rise to this level, depending on the circumstances.



2030 USE OF FORCE PROHIBITED

An officer shall **not** use physical force:

- To punish or retaliate;
- Against individuals who only confront them verbally, unless the vocalization significantly impedes a legitimate law enforcement function and creates an immediate safety concern (e.g., incitement to violence or destruction of property, threats to officers or others); or
- On handcuffed or otherwise restrained subjects, except in exceptional circumstances when the subject's actions must be stopped to prevent injury, escape, or destruction of property. In such circumstances, officers shall articulate:
 - Why force was necessary, and
 - Why no effective alternative to the use of force appeared to exist.

2040 FORCE MODEL

This model describes levels of resistance officers may encounter and the levels of force officers may use to lawfully overcome that resistance.

Force situations are dynamic and require an officer to continually assess the subject's actions to ensure an objectively reasonable response. Officers may initiate and transition to levels or types of force, including attempts to de-escalate, in relation to the amount of resistance offered by a subject. Circumstances that influence the level of force used by the officer include, but are not limited to:

- The nature of the offense;
- The behavior and actions of the subject, such as resistive acts, aggressive acts, etc.;
- The physical size and conditioning of the subject relative to the officer;
- The feasibility and availability of alternative responses; and
- The availability of additional officers.

Officers shall consider whether a subject's failure to comply is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

- Medical conditions;
- Mental impairment;
- Developmental disability;
- Physical limitation;
- Language barrier;
- Drug interaction;
- Behavioral crisis; and
- Hearing impairment.

When it is necessary for officers to exercise physical control of a violent, assaultive, or resisting individual to make an arrest or protect others from harm, they shall:



- Recognize that their conduct prior to the use of force, including the display of a weapon, may influence the level of force necessary in a given situation;
- Exercise reasonable care that their actions do not precipitate an unnecessary or disproportionate use of force by placing themselves or others in jeopardy, or by not following policy or training; and
- Continually assess the situation and adjust the use of force appropriately.

2041 Levels of Resistance

The levels of resistance by a subject include:

- Psychological Intimidation: Non-verbal cues indicating the subject's state of alertness, agitation, and physical readiness to resist.
- Verbal Non-Compliance: Verbal responses indicating the subject's unwillingness to comply with direction. This may include verbal threats made by the subject. A person has a constitutionally protected right to express verbal protest, and speech directed at an officer is generally protected by the First Amendment. However, threats (or "fighting words") are not protected speech. Verbal provocation that does not create an immediate safety concern does not justify the use of force.
- Passive Resistance: Physical non-compliance that does not actively prevent the officer's attempt at control.

**** A force response to resistance at the psychological intimidation, verbal non-compliance or passive resistance level shall be limited to verbal direction, handcuffing, escort and control holds. ****

- Defensive Resistance: Physical attempts to actively prevent the officer's control, without attempting to harm the officer.
- Active Aggression: Attempted or actual physical assault on the officer where the subject prepares or attempts to strike, strikes, or acts in a manner that may result in injury to the officer.
- Deadly Force: Assaultive acts of aggression directed toward an officer or another that are likely to cause serious injury or death.

2042 Levels of Force

The levels of force employed by members are:

- Officer Presence: Authority is established by the officer's presence in uniform, by verbal identification as a peace officer, or by clear display of department badge or identification.
- Verbal Direction: Communication directed at a subject to control their actions. Officers will, when reasonably possible, use verbal communication skills to control subjects before resorting to physical control methods.
- Empty Hand Control: Force techniques using the officer's body without the aid of weapons or equipment. Empty hand control is divided into two (2) categories:
 - "Soft" control—physical interaction (except strikes) meant to separate, guide, and/or control, which does not cause injury greater than temporary pain or redness.



- "Hard" control—physical interaction (including strikes) meant to separate, guide, and/or control, which are likely to result in injuries greater than temporary pain or redness.

**** The use of vascular neck restraint (carotid) or choke holds is prohibited; however, this prohibition may not apply to every situation that could possibly arise. ****

- Intermediate Weapons: Weapons that provide a means of controlling subjects when deadly force is not justified and empty hand control techniques are insufficient or tactically unsound. The following are types of intermediate weapons:
 - Oleoresin Capsicum (OC) spray—Shall only be used to counter defensive resistance or greater.
 - PepperBalls—Capsules filled with a capsaicin powder and fired from a compressed-air-powered launcher. PepperBalls may be fired directly at a subject, or they may be fired to strike near a subject, to deliver a more dispersed OC payload. Pepperballs shall only be used to counter defensive resistance or greater.
 - Impact Weapon—Any object used to strike a subject in a manner that is reasonably likely to cause injury. An impact weapon shall only be used to counter defensive resistance when the officer's empty hand control is insufficient to overpower the resistance or when the officer is facing greater force. An impact weapon may be used in lieu of OC spray when the properties of OC spray would make its use ineffective or dangerous to the officer, e.g., inside a small, confined area.
 - Conducted Electrical Weapon (CEW)—Any less-lethal conducted electrical weapon, e.g., TASER. The use of CEWs shall be limited to countering active aggression or deadly force.
 - Less-lethal Munitions—Kinetic-impact or chemical-agent munitions designed to disrupt a subject's threatening action with minimal risk of serious injury or death.
 - Kinetic-impact rounds include department approved flex batons and other specialty munitions, e.g., 37mm and 40mm foam rounds. Generally, the use of kinetic-impact rounds shall only be used to counter active aggression or greater. However, kinetic-impact rounds may be used where a subject is causing serious or life-threatening injury to him or herself, or is threatening to cause such injury and has the means to do so.
 - Chemical agents include o-chlorobenzylidene malononitrile (CS) and shall only be used during tactical team operations or similar deployments.
- Deadly Force: Force that is likely to cause serious injury or death. Use of a firearm is not the only means of employing deadly force.

2050 POINTING FIREARMS

Officers shall not point a firearm at an individual unless they reasonably believe that it is necessary to protect against a potential use of force. Unholstering or displaying a firearm, including at a low-ready position without pointing it at a person, does not require a use of force



report. Firearms shall be secured or holstered as soon as possible after the perceived threat has ended.

2060 DEADLY FORCE

Deadly force is authorized when an officer reasonably perceives an imminent threat of serious physical injury or death to the officer or another person. Deadly force is a measure to be employed only in the most extreme circumstances when less-lethal means of force have failed or could not reasonably be employed.

Officers shall, whenever possible, identify themselves as police officers and issue a verbal warning prior to using deadly force, unless such identification and warning would jeopardize their safety or the safety of another person.

2061 Use of Firearms

Officers may discharge a firearm:

- During department qualifications or firearms training at an approved range;
- For test firing by the Crime Lab;
- To kill a dangerous animal when necessary to protect against potential injury to a person or another animal
- To kill a seriously injured animal when obtaining assistance from Pima Animal Control for treatment or euthanasia would not be practicable; or
- When justified in using deadly force.

Officers shall not discharge a weapon:

- As a warning shot;
- At a moving vehicle;
- From a moving vehicle.

**** However, the prohibition against discharging a firearm at or from a moving vehicle may not apply to every situation that could possibly arise. ****

Officers shall not handle a firearm in a careless or reckless manner.

2070 USE OF FORCE REPORTING, INVESTIGATION, AND REVIEW

The Tucson Police Department recognizes the enormous responsibility that comes with the constitutional authority to use force. This responsibility includes maintaining vigorous and transparent oversight systems to ensure accountability and maintain public trust. In order to ensure transparency and accountability, all members shall adhere to the reporting requirements and responsibilities contained in *General Orders*.

The requirements for reporting, investigating, and reviewing use of force incidents are separated into types based on the nature of the incident. The listed table for **Use of Force—Classifications and Review Mechanism** shall be followed when reporting and documenting the use of force.



2071 Chain of Command (COC) Requirements

Generally, uses of force will be investigated by the COC. The COC will evaluate and/or respond to all reportable uses of force and will refer cases to the Office of Professional Standards (OPS) as appropriate.

- **Involved Officer Responsibilities**

Upon being involved in a reportable use of force, officers shall:

- Ensure that a supervisor is verbally notified of the use of force as soon as practicable;
- Remain on scene until released by a supervisor; and
- Complete thorough and accurate written reports documenting the use of force by the end of the shift, unless otherwise directed by a supervisor.

- **Witness Officer Responsibilities**

A witness officer is any officer who is on scene at the time force is used who did not use reportable force. Witness officers shall:

- Ensure that a supervisor is verbally notified of the use of force as soon as practicable;
- Remain on scene until released by a supervisor; and
- Complete thorough and accurate written reports documenting the use of force by the end of the shift, unless otherwise directed by a supervisor.

- **Supervisor Responsibilities**

Upon being advised of a reportable use of force, a supervisor shall:

- When required by GO 2080, respond to the scene of the incident;
- Identify involved parties and witnesses;
- Identify and preserve evidence;
- Classify the type of force used, making investigative and command notifications as outlined in GO 2080;
- Ensure that involved and witness officer reports are thorough and accurate; and
- Document investigative actions taken.

Commander notification is mandatory in the following situations:

- Use of force resulting in significant injury, e.g., broken bones, sutures, loss of consciousness;
- Hard control against a restrained person;
- Police Service Dog bites;
- Use of deadly force, regardless of the level of injury sustained by the involved officers or subjects; or
- Use of force with evidence of unreasonable or disproportionate force, or other serious policy violations, including constitutional violations.

- **Commander Responsibilities**

Commander response to the scene is generally at the discretion of the commander. At a minimum, a reviewing commander shall:



- Ensure the type of force used is appropriately classified;
- Ensure the on-scene investigation and documentation completed by the sergeant is thorough and complete; and
- Document their review and analysis of the use of force.

Any commander who directs or authorizes the use of force in a crowd management setting shall complete a use of force report, unless otherwise directed. The force type classification shall be based upon the highest level of force used.

Review of use of force reports shall be conducted by the Force Review Board (FRB) or the Sentinel Event Review Board (SERB), as directed by the Chief of Police or his/her designee.

2072 Office of Professional Standards Requirements

The Office of Professional Standards (OPS) commander shall be notified under the following circumstances:

- Use of force against a person that results in his/her transport to a hospital for treatment/evaluation.
- Use of force resulting in significant injury.
- Any allegation of excessive use of force.
- The discovery of information that conflicts with the officer's account of the incident (e.g., witness statements, video evidence, etc.).
- Use of force prohibited by policy (e.g., carotid choke hold, strikes to the head with blunt objects, etc.).
- Any indication the force used was out of policy.
- Hard control against a restrained person.
- K-9 bites of an unintended subject.
- K-9 bites resulting in significant injury.
- K-9 bites to the head, neck or groin.



2080 USE OF FORCE – CLASSIFICATIONS AND REVIEW MECHANISMS

Force Type	Threshold	Examples	Components of Notification, Investigation, and Review
TYPE 0 includes soft empty hand contact	Physical interaction meant to separate, guide, and/or control that does not cause injury greater than temporary pain or redness; not resisted or minimally resisted handcuffing; application of tools designed to control movement or prevent attack	Arm bars and wrist locks Non-strike pressure points Push, not including impact strike Temporary redness or abrasions on wrists from appropriately-applied handcuffs TARP and/or Spit Sock application¹	<u>No BlueTeam Report required</u> Documentation required in Incident Report and/or Supplementary Reports Supervisory review of reports for thoroughness
TYPE I² Show of Force	Threatened use of force through the aiming, without firing, of a lethal or less-lethal projectile weapon at a person, or any arcing of a CEW to gain compliance from a subject	Aiming a weapons system at a person, including: Any firearm, Flex Baton, PepperBall, CEW, 37mm and 40mm munitions	<u>BlueTeam Type I Report required</u> Supervisor shall be notified at time of incident, but response to the scene is discretionary Documentation required in Incident Report and/or Supplementary Reports

¹ For Total Appendage Restraint Procedure (TARP) and Spit Sock applications, notification to supervisor at the time of the incident is required (response to the scene is discretionary).

² Type I involving SWAT operations will be handled by the SWAT sergeant in single report.

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Force Type	Threshold	Examples	Components of Notification, Investigation, and Review
TYPE II	"Hard" empty hand tactics; the use of Intermediate Weapons; or any use of force, including Type 0, resulting in injury or claim	<p>Arm bars with claim of injury</p> <p>Force resulting in abrasions</p> <p>Strikes or kicks</p> <p>Impact strikes</p> <p>Hard takedowns</p> <p><i>Use of:</i></p> <p>Flex Baton, PepperBall, OC spray, baton, CEW, Impact Munitions, etc.</p>	<p><u>BlueTeam Type II Report required</u></p> <p>Supervisor shall investigate incident at the scene, including:</p> <ul style="list-style-type: none"> • Interview involved officer(s); • Interview witness officer(s); • Interview subject(s); • Canvass for civilian witnesses and conduct interviews; • Canvass/collect/review BWCs, MVRs, 3rd party videos; and • Photos of involved officer(s) and subject(s), whether or not injured. <p>Officer(s) complete use of force (following template) in BlueTeam</p> <p>Subject to random selection by the Force Analysis Unit for review by the Division Commander or Force Review Board</p>
TYPE II-K9 ³	Use of force by Police Service Dog <i>with no or minor injury</i>	K9 bite of intended subject with no or minor injury	<p>SDU officer shall notify on-duty sergeant</p> <p>Investigating sergeant shall respond to the scene to initiate the investigation following the Type II protocol</p> <p>Commander notification</p> <p>COC reviews completed Use of Force report</p> <p>Reviewed by Force Review Board</p>
TYPE III	Use of force resulting in significant injury, or with indications of unreasonable or disproportional force, or other serious policy violations, including constitutional violations	<p>Broken bones</p> <p>Closed head injuries</p> <p>Sutures</p> <p>Dislocations</p> <p>Loss of consciousness due to application of force</p> <p>Hard control against a restrained person</p>	<p><u>BlueTeam Type III Reports required</u></p> <p>Supervisory response and screening at the scene</p> <p>OPS Commander <u>shall</u> be notified</p> <p>OPS consultation with CID for CID response and investigation</p> <p>Reviewed by the COC</p> <p>Reviewed by Force Review Board</p>

³ Force Review Board reviews all K9 bites.

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Force Type	Threshold	Examples	Components of Notification, Investigation, and Review
TYPE III- K9 ³	Use of force by Police Service Dog <i>upon unintended subject or resulting in significant injury</i>	K9 bite of unintended subject K9 bite to head, neck, or groin K9 bite resulting in significant injury	SDU officer shall notify on-duty sergeant Investigating sergeant shall respond to the scene to initiate investigation following the Type III protocol above
TYPE IV	Use of deadly force, regardless of whether officer actions resulted in injury or death	Officer discharge of firearm ⁴ Deliberate use of vehicle or other tool in a deadly force encounter Impact weapon strike to the head Use of force resulting in death Vascular neck restraint Choke hold ⁵	<u>OPS BlueTeam Report required</u> Supervisory response and screening at the scene OPS and/or CID response and investigation Reviewed by Force Review Board or Sentinel Event Review Board

⁴ Does not include an accidental discharge or the dispatching of a vicious dog or other animal, which, in the absence of additional factors, will be investigated and reviewed by the member's chain of command. A Firearms Discharge Report shall be completed by OPS. In all such cases, the Incident Commander shall immediately notify the Chief of Staff or his/her designee, who will determine if an OPS response and/or SERB review is warranted in addition to a COC investigation.

⁵ Vascular neck restraint and choke holds are prohibited by department policy.



2090 FORCE REVIEW MECHANISMS

The Tucson Police Department employs a variety of administrative review mechanisms when evaluating use of force incidents. These reviews are intended to promote community trust, enhance transparency, and improve member safety by evaluating all aspects of an incident, including: policy, equipment, training, supervision, and members' actions, including actions leading up to the use of force.

2091 Chain of Command (COC)

Force Types I, II, and III will be reviewed by the COC through at least two levels above the rank of the member using force. Force types II-K9 and III-K9 will be reviewed by the COC through the level of Division Commander. The COC will prepare a written report, evaluating:

- Use of Force (reasonableness, necessity, proportionality, and circumstances leading up to the use of force);
- Tactics and decision-making (including de-escalation);
- Supervision;
- Equipment;
- Policy compliance;
- Training; and
- Reporting and investigation.

2092 Force Review Board (FRB)

The chain of command investigation and findings of all Force Types II-K9, III, and III-K9 will be reviewed by the FRB. The FRB will also review a sample of Type II investigations. All Type IV investigations will be reviewed by the FRB or the SERB, as directed by the Chief of Police or his/her designee. The board will prepare written reports to the Chief of Police, evaluating the following:

- Proper categorization of force type;
- Thoroughness of supervisory investigation and review;
- Identification and handling of deficiencies; and
- Command findings.

The FRB will not make recommendations regarding discipline. If the board identifies violations of policy not previously addressed by the COC, the board will refer the matter to the COC and/or OPS for review.

If the board identifies individual training opportunities or meritorious actions deserving of special recognition, the board will refer the matter to the member's COC for consideration.

For specific details on the FRB and use of force reporting, refer to the Force Review Board Operations Pamphlet.



2093 Sentinel Event Review Board (SERB)

All Force Type IV incidents not reviewed by the FRB will be reviewed by the SERB. The board will prepare written reports to the Chief of Police, evaluating the following:

- Adequacy of policy(ies);
- Potential violation(s) of policy, General Orders or law;
- Use of Force (reasonableness, necessity, proportionality, and circumstances leading up to the event/use of force);
- Tactics and decision-making;
- Member actions;
- Communication;
- Supervision;
- Training issues and needs;
- Equipment deficiencies or needs, and
- Other issues that played a role in the incident.

For details on the SERB, refer to the Sentinel Event Review Board Operations Pamphlet.